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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 Nakia V. Porter, et al.,

12 Plaintiffs,

13 v.

14 County of Solano, et al.,

15 Defendants.  
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No. 2:21-cv-01473-KJM-JDP

ORDER

17 The parties have filed a stipulation and proposed order to clarify the third amended  
18 complaint and dismiss certain claims. ECF No. 139. In portions of that filing, the parties agree to  
19 the dismissal of some claims by some plaintiffs against some defendants. *See, e.g., id.* at 4 (“The  
20 Tenth Claim is hereby dismissed by Ms. Porter with prejudice only as against individual  
21 Defendants Stockton, Carter, and Hamilton.”). The Ninth Circuit has held that “withdrawals of  
22 individual claims against a given defendant are governed by [Federal Rule of Civil Procedure 15],  
23 which addresses amendments to pleadings.” *Hells Canyon Preservation Council v. U.S. Forest*  
24 *Service*, 403 F.3d 683, 687 (9th Cir. 2005). That rule “is the appropriate mechanism where a  
25 plaintiff desires to eliminate an issue, or one or more but less than all of several claims, but  
26 without dismissing as to any of the defendants.” *Id.* at 688 (citations, alterations and quotation  
27 marks omitted). The court therefore construes the filing at ECF No. 139 as a stipulated request  
28 for leave to amend the complaint and grants that request for good cause and in the interest of

1 justice. *See* Fed. R. Civ. P. 16(b)(4), 15(a). **Within fourteen days**, plaintiffs shall file a further  
2 amended complaint reflecting the clarifications and proposals in the filing at ECF No. 139.

3 IT IS SO ORDERED.

4 DATED: August 12, 2024.

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CHIEF UNITED STATES DISTRICT JUDGE